



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

29 फाल्गुन 1940 (श10)
(सं0 पटना 453) पटना, बुधवार, 20 मार्च 2019

निर्वाचन विभाग

अधिसूचना
19 मार्च 2019

सं0 एम-1-001/2019-17— निर्वाचन अर्जी संख्या-01/2016 से संबंधित भारत निर्वाचन आयोग, नई दिल्ली की अधिसूचना संख्या 82/बिहार-वि.स./ (1/2016)/पूर्व.अनु.-1/2019 दिनांक 08.03.2019 सर्वसाधारण की जानकारी के लिए प्रकाशित की जाती है।

बिहार-राज्यपाल के आदेश से,
प्रवीण कुमार गुप्ता,
संयुक्त मुख्य निर्वाचन पदाधिकारी।

भारत निर्वाचन आयोग

अधिसूचना

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001/8 मार्च 2019/17 फाल्गुन, 1940 (शक)

सं० 82/बिहार-वि.स./ (1/2016)/पूर्व.अनु.-1/2019—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 (ख) के अनुसारण में, निर्वाचन आयोग एतद्वारा निर्वाचन अर्जी सं०-01/2016 में दिये गये उच्च न्यायालय, पटना के तारीख 25 जनवरी, 2019 के आदेश को प्रकाशित करता है।

आदेश से,
आनन्द कुमार पाठक,
सचिव,
भारत निर्वाचन आयोग।

IN THE HIGH COURT OF JUDICATURE AT PATNA

Election Petition No.1 of 2016

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Purushottam Kumar, son of late Om Prakash, resident of Raod No.1D,
Rajendra Nagar, P.S.- kadamkuan, Town & District-Patna.

... .. Petitioner/s

Versus

1. The Chief Election Officer, Bihar, Patna,
 2. The District Election Officer-cum-District Magistrate, Patna,
 3. The Returning Officer, 183 Kumhrar Assembly Election, 2015,
 4. Arun Kumar Sinha, son of Not known, resident of 101, Ram Vilas
Enclave, East Lohanipur, P.S.- kadamkuan, District-Patna.... .. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh
For the Respondent/s : Mr. S.B.K. Manglam, Advocate
For Election Commission : Mr. Siddhartha Prasad
Mr. Om Prakash Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR**ORAL JUDGMENT****Date : 25-01-2019**

This election petition has been filed by the Petitioner under Section 80(A) (1)(2), 81 and Section 100(1) (d) (iii) of the Representative of the People Act, 1951 calling in question of election of Sri Arun Kumar Sinha from 183, Kumhrar Assembly Election, 2015.

The election of 183 Kumhrar Assembly constituency was held on 28.10.2015 and counting of votes was done on 8.11.2015 and thereafter results were declared on the same day.

Petitioner had also filed his nomination paper for 183 Kumhrar Constituency Assembly before the Returning Officer and after scrutiny his nomination paper was found to be valid and altogether 34 validly nominated candidates including the petitioner and the

returned candidate were left in the fray of election. Petitioner was a candidate from Akhil Bharat Hindu Mahasabha, a registered political party and he was allotted symbol of Battery Torch and respondent no.4 was a candidate of Bhartiya Janta Party and he was allotted symbol of Lotus. Electronic Voting Machines were used in this election, however, during the counting, several irregularities and discrepancies were found and several electronic voting machines were not sealed and signed by the Presiding Officer, detail of which is given in the election petition and discrepancies were brought to the notice of Returning Officer, Chief Election Officer on 09.11.2015 but no steps were taken on such complaint and, therefore, petitioner has filed this election petition to declare the election of respondent no.4 as void for improper acceptance of the EVMs.

Election petition challenging the election of respondent No. 4 was required to be filed by 02.01.2016, which was the last day for filing of Election Petition, however, same was filed beyond the limitation period on 04.1.2016 and as such was barred by limitation, accordingly, the present election petition is dismissed being barred by limitation.

This also disposes of all the interlocutory applications filed in this election petition including I.A. No.5193 of 2018 filed on behalf of the Chief Electoral Officer, Bihar for release of EVMs.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30-01-2019
Transmission Date	NA

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
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